

AMENDED IN ASSEMBLY AUGUST 21, 2006

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AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 368

Introduced by Senator Escutia

(Coauthors: Senators Alarcon, Cedillo, Ducheny, Figueroa, and Romero)

(Coauthors: Assembly Members Baca, Calderon, Chan, Chavez, Coto, De La Torre, Dymally, and Nunez)

February 17, 2005

An act to add Sections 315.5, 316.5, and 317 to the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 368, as amended, Escutia. English language tutoring.

Proposition 227, an initiative statute approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency.

This bill would require each school district, as a condition for receiving funding under the bill *for the 2007–08 fiscal year*, to develop a plan, to be approved by the school district governing board, certifying that the agency will ~~do~~ *accomplish certain things* ~~things~~ *objectives*

relating to providing personal English language tutoring to children coming from backgrounds of limited English proficiency.

~~The bill would require the State Department of Education to contract with an independent consultant to evaluate specified performance accountability measures to ascertain the effectiveness of the program services established pursuant to the initiative and the bill. The bill would require each school district that receives funding under the bill, by September 1, 2008, and each September 1, thereafter, to prepare and submit a report to the department on its achievements in accordance with the specified performance accountability measures. The bill would require the department to prepare a final report on its findings with regard to the performance accountability measures and submit the report to the Legislature and the Governor by June 30, 2012 a school district, as a condition for receiving funding under the bill for any fiscal year, to collect certain data for use in revising and updating the plan.~~

The bill would require the governing board of the school district, as a condition for receiving funding under the bill for the 2008–09 fiscal year and each fiscal year thereafter, to review, revise as necessary, and approve the plan. The bill would require the plan to be reviewed, and revised as necessary, not less than once every three years. The bill would require the governing board to consider, during its review, the specified data collected by the school district.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 315.5 is added to the Education Code,
- 2 to read:
- 3 315.5. (a) In furtherance of its constitutional and legal
- 4 requirement to offer special language assistance to children
- 5 coming from backgrounds of limited English proficiency, the
- 6 state shall encourage family members and others to provide
- 7 personal English language tutoring to those children, and support
- 8 these efforts by raising the general level of English language
- 9 knowledge in the community.
- 10 (b) Programs funded under this section shall be provided
- 11 through schools or community organizations.

(c) Funding for programs authorized under this section shall be provided pursuant to an appropriation in the annual Budget Act. Funds shall be apportioned to the Superintendent for disbursement to school districts for the purpose of providing funding under this section for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to *improve the English language proficiency of* California school children with limited English proficiency.

SEC. 2. Section 316.5 is added to the Education Code, to read:

316.5. (a) The Legislature finds and declares all of the following:

(1) The more a parent or guardian is involved in the education of his or her child the better the child will perform in school.

(2) English language proficiency is critical to academic success.

~~(b) The Community-Based English Tutoring (CBET) Program shall provide funding for free or subsidized programs of adult English language instruction to parents who provide and document English language tutoring intended to improve the English proficiency of California K-12 pupils identified as English language learners.~~

~~(c) In order to ensure that adult students in the CBET Program provide the best possible tutoring to K-12 English language learners, the CBET Program shall meet the following objectives:~~

~~(1) The adult students participating in the CBET Program shall make measurable English language learning progress.~~

~~(2) The CBET Program shall be administered in accordance with research-based strategies for teaching English language learners.~~

~~(3) The data collected under Section 317 shall be used by CBET administrators and staff to inform curriculum, instruction, assessment, research, and in-service staff development.~~

~~(d) For purposes of this section, the term "parent" includes a parent, legal guardian, primary caregiver, or an individual in loco parentis.~~

~~(e)~~

~~(b) As a condition for receiving funding under Section 315.5 for the 2007-08 fiscal year, each school district shall develop a~~

- 1 plan, to be approved by the governing board of the school
2 district, certifying that it will do all of the following:
- 3 (1) Emphasize English language acquisition and tutoring skills
4 for parents whose primary language is not English.
- 5 (2) Whenever possible, operate ~~CBET~~ *Community-Based*
6 *English Tutoring (CBET)* programs at neighborhood schoolsites
7 in order to provide full articulation between CBET programs and
8 instructional programs for school-aged English language
9 learners.
- 10 (3) Describe in its plan how the program will encourage the
11 following:
- 12 (A) Opportunities for parent-child tutoring activities.
- 13 (B) Opportunities for the parent to become involved at the
14 school that his or her child attends.
- 15 (4) Describe how the program will document the following:
- 16 (A) Literacy training for adults that leads to English fluency
17 and the ability to provide educational support for children.
- 18 (B) Development of tutoring skills.
- 19 ~~(C) Utilization of appropriate curriculum.~~
- 20 (5) Describe the projected goals of the program with respect to
21 participant educational achievement and the manner in which the
22 agency will measure and report progress in meeting its goals.
- 23 (6) ~~Leverage~~ *Describe the manner in which the program will*
24 *leverage* available funding from federal, state, and local sources
25 in the area proposed to be served by the agency.
- 26 (7) Include a program to recruit parents of K–12 English
27 language learners, especially parents of pupils enrolled in K–12
28 schools that are eligible to participate in the High Priority
29 Schools Grant Program established under Article 3.5
30 (commencing with Section 52055.600) of Chapter 6.1 of Part 28.
- 31 (8) *The plan shall demonstrate that the CBET program meets*
32 *the following objectives in order to ensure that adult students in*
33 *the CBET program provide the best possible tutoring to K–12*
34 *English language learners:*
- 35 (A) *The adult students participating in the CBET program*
36 *shall make measurable English language learning progress.*
- 37 (B) *The CBET Program shall be administered in accordance*
38 *with research-based strategies for teaching English language*
39 *learners.*

1 (C) The data collected under Section 317 shall be used by
2 CBET administrators and staff to inform curriculum, instruction,
3 assessment, research, and in-service staff development.

4 (c) As a condition for receiving funding under Section 315.5
5 for the 2008–09 fiscal year and for each fiscal year thereafter,
6 the governing board of the school district shall review, revise as
7 necessary, and approve the plan. The plan shall be reviewed, and
8 revised as necessary, not less than once every three years.
9 During its review, the governing board shall consider the data
10 collected under Section 317.

11 (d) For the purposes of this section, the term “parent”
12 includes a parent, legal guardian, primary caregiver, or an
13 individual in loco parentis.

14 SEC. 3. Section 317 is added to the Education Code, to read:

15 317. (a) ~~The department shall contract with an independent~~
16 ~~consultant to evaluate the following performance accountability~~
17 ~~measures to ascertain the effectiveness of the program services~~
18 ~~established pursuant to Sections 315, 315.5, and 316.5: As a~~
19 ~~condition for receiving funds under Section 315.5 in any fiscal~~
20 ~~year, a school district shall collect the following data for use in~~
21 ~~updating its plans and to make available to the state as~~
22 ~~requested:~~

23 (1) Improvement in adult English-as-a-second-language
24 literacy skill levels in reading, writing, and speaking the English
25 language, numeracy, problem solving, and other literacy skills.

26 (2) Improvements in the attendance of pupils with
27 limited-English-language proficiency who have received tutoring
28 from adults who have been identified as participants in programs
29 established pursuant to Sections 315, 315.5, 316, and 316.5.

30 ~~(b) To assist the department in evaluating the program, a~~
31 (b) A school district that receives funding under Section 315.5
32 shall provide a pretest and a posttest of reading ~~or life skills~~
33 achievement for adult English-as-a-second-language pupils.

34 ~~(c) The evaluation shall include a review of~~ The district shall
35 review individual K–12 pupil data from the English language
36 development test administered under Section 60810 and the
37 Standardized Testing and Reporting (STAR) Program set forth in
38 Article 4 (commencing with Section 60640) of Chapter 5 of Part
39 33, in order to determine whether there have been achievement

1 progress made by K-12 pupils who were tutored by
2 Community-Based English Tutoring (CBET) Program students.

3 ~~(d) The evaluation pursuant to this section shall be funded~~
4 ~~through the appropriation made in Section 315.5.~~

5 ~~(e) Each school district that receives funding under Section~~
6 ~~315.5 shall do all of the following:~~

7 ~~(1) By September 1, 2008, and each September 1 thereafter,~~
8 ~~prepare and submit to the department a report on the~~
9 ~~achievements of the agency in accordance with the performance~~
10 ~~accountability measures specified in subdivision (a).~~

11 ~~(2) Begin collecting data in accordance with the performance~~
12 ~~accountability measures specified in subdivision (a) at the~~
13 ~~beginning of the 2007-08 school year.~~

14 ~~(f) The state board shall develop and disseminate a standard~~
15 ~~form to be used by school districts to collect data in accordance~~
16 ~~with the performance accountability measures specified in~~
17 ~~subdivision (a).~~

18 ~~(g) By June 30, 2012, the department shall prepare a final~~
19 ~~report on its findings pursuant to subdivision (a) and submit it to~~
20 ~~the Legislature and the Governor.~~

21 ~~(h) The department shall consult with school districts, adult~~
22 ~~education administrators, and English language learner~~
23 ~~coordinators in the implementation of this section.~~